

(103)  
9-10-02  
Sc

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL  
ASSOCIATION, a non-profit  
Corporation incorporated under the  
laws of the Commonwealth of  
Pennsylvania, CITIZENS FOR PLANNED  
COMMUNITY GROWTH, an unincorporated  
association organized under the  
laws of the Commonwealth of  
Pennsylvania, PAUL B. AMBROSE,  
JOHN G. ENDERS, CHARLES F.  
RAHAUSER, BETSY RAHAUSER, DOUGLAS  
A. WARNOCK, U.X. VAGNERINI, THOMAS  
W. BUNDY, STEPHEN P. BUCHER,  
ROGER J. ROBERTSON, JAMES A.  
STRITE, JR., DAVID A. GUTHRIE,  
Plaintiffs,

v.

KEN WYKLE, Administrator, Federal  
Highway Administration, ROBERT  
GATZ, Federal Highway  
Administration,

Defendants,

and

BRADLEY L. MALLORY, Secretary for  
The Department of Transportation,  
Commonwealth of Pennsylvania,  
Intervenor

CIVIL ACTION NO.

1:CV-01-0910

(Judge Rambo)

FILED

HARRISBURG, PA

SEP 09 2002

MARY E. D'ANDREA, CLERK  
Per                       
Deputy Clerk

EXHIBITS TO FEDERAL DEFENDANTS' AND INTERVENOR'S JOINT  
RESPONSE TO PLAINTIFFS' STATEMENT OF MATERIAL FACTS  
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT

1. Exhibit A - Declaration of Robert McClure.
2. Exhibit B - Declaration of Charles Babcock, P.E.

Exh A

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

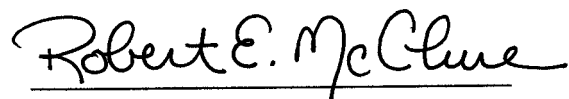
GREENE/GUILFORD ENVIRONMENTAL	:	
ASSOCIATION, a non-profit	:	
Corporation incorporated under the	:	
laws of the Commonwealth of	:	
Pennsylvania, CITIZENS FOR PLANNED	:	
COMMUNITY GROWTH, an unincorporated	:	
association organized under the	:	
laws of the Commonwealth of	:	CIVIL ACTION NO.
Pennsylvania, PAUL B. AMBROSE,	:	1:CV-01-0910
JOHN G. ENDERS, CHARLES F.	:	
RAHAUSER, BETSY RAHAUSER, DOUGLAS	:	(Judge Rambo)
A. WARNOCK, U.X. VAGNERINI, THOMAS	:	
W. BUNDY, STEPHEN P. BUCHER,	:	
ROGER J. ROBERTSON, JAMES A.	:	
STRITE, JR., DAVID A. GUTHRIE,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
KEN WYKLE, Administrator, Federal	:	
Highway Administration, ROBERT	:	
GATZ, Federal Highway	:	
Administration,	:	
Defendants,	:	
	:	
and	:	
	:	
BRADLEY L. MALLORY, Secretary for	:	
the Department of Transportation,	:	
Commonwealth of Pennsylvania,	:	
Intervenor	:	

DECLARATION OF ROBERT E. MCCLURE

Robert E. McClure, declares and says:

1. I am employed by Skelly and Loy and I have worked for them for a total of 23 years.
2. I am familiar with the I-81 Interchange project and I performed and/or supervised the environmental and historic studies, the public involvement process, and the preparation of the DEIS, FEIS, and reevaluations for this project. I have been involved with this project since Skelly and Loy was retained by PennDOT to perform the environmental studies for this project.
3. I have an A.A.S Degree in Air and Water Pollution Technology. My resume is attached.
4. The coloring book discussed in paragraph 42 of Plaintiffs' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment was never distributed to the public. The document was distributed at a Management Team meeting as a potential handout at a public meeting. PennDOT decided not to use the coloring book at the public meeting.

I declare under penalty of perjury and pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.  
Executed on this 6th day of September, 2002.



Robert E. McClure

**ROBERT E. McCLURE**

**Principal, Executive Vice President  
Environmental Services  
Manager, Hagerstown Office**

**EDUCATION:**

A.S., Air and Water Pollution Technology, 1977, Triangle Institute of Technology

---

***Skelly and Loy, Inc.***  
***Hagerstown, Maryland***

Mr. McClure is managing our Hagerstown, Maryland, office. He is responsible for the day-to-day activities performed from this location while continuing to oversee all projects performed by the firm's Environmental Services Group.

---

***Skelly and Loy, Inc.***  
***Harrisburg, Pennsylvania***

Mr. McClure has more than 24 years of experience in environmental consulting investigations and compliance monitoring of water, wastes, and air. During this time, he has been involved in various aspects of environmental investigations including acting as Principal-In-Charge, Contract Manager, and Project Manager. He has served in this capacity for more than 200 transportation projects requiring environmental documentation.

He has extensive experience in the management and preparation of environmental documentation to comply with NEPA guidelines. He has experience in coordination with State and Federal government agencies to comply with NEPA and State guidelines for projects including Environmental Reevaluations, Categorical Exclusion Evaluations, Environmental Assessments, and Environmental Impact Statements.

This experience includes projects that involve both upgrading of existing systems and new roadways on new locations. He has worked on many projects in all PENNDOT Districts. He is directly responsible for project scoping; proposal preparation (both technical and cost); developing work plans; and implementing project work efforts to meet scheduling requirements. In addition to project management, Mr. McClure is active in the development of project need, land use assessment, farmland, noise, and air quality, water quality assessments, wildlife, wetlands investigations, including mitigation assessments, and design.

**Principal-In-Charge, PennDOT Statewide Open-End Contract for Management of Preliminary and Final Design Activities** - As Principal-In-Charge of this contract, Mr. McClure is responsible for all work orders. This contract is a five-year, five million dollar vehicle for managing and reviewing all consultants' work for the Department.

**Contract Manager for S.R. 220 (I-99) EIS Project** - Served as the Environmental Project Manager for the investigation and development of an Environmental Impact Statement (EIS) for a 15 mile new roadway in Center and Blair counties, Pennsylvania. In addition, he directed the field sampling program and the installation of the parshall flumes and monitoring equipment as part of the regulatory requirements for assessing potential impacts to Waters of the US. Participated in and/or attended all of the SACM, Executive Committee Meetings, and Public meetings/presentations. Mr. McClure was also the environmental reviewer for the Section C-11 final design activities. In this capacity, he reviewed design plans and provides evaluation summary of the potential impacts to ensure compliance with the FEIS and ROD commitments. Mr. McClure is responsible for developing and managing the construction and post construction Independent Environmental monitoring program for the I-99 project. In this capacity, the Skelly and Loy team is responsible for the daily inspection of highway and compensation construction activities to ensure compliance with the FEIS and ROD.

Exh. B

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL :  
ASSOCIATION, a non-profit :  
Corporation incorporated under the :  
laws of the Commonwealth of :  
Pennsylvania, CITIZENS FOR PLANNED :  
COMMUNITY GROWTH, an unincorporated :  
association organized under the :  
laws of the Commonwealth of : CIVIL ACTION NO.  
Pennsylvania, PAUL B. AMBROSE, : 1:CV-01-0910  
JOHN G. ENDERS, CHARLES F. :  
RAHAUSER, BETSY RAHAUSER, DOUGLAS : (Judge Rambo)  
A. WARNOCK, U.X. VAGNERINI, THOMAS :  
W. BUNDY, STEPHEN P. BUCHER, :  
ROGER J. ROBERTSON, JAMES A. :  
STRITE, JR., DAVID A. GUTHRIE, :  
Plaintiffs, :

v. :

KEN WYKLE, Administrator, Federal :  
Highway Administration, ROBERT :  
GATZ, Federal Highway :  
Administration, :  
Defendants, :

and :

BRADLEY L. MALLORY, Secretary for :  
the Department of Transportation, :  
Commonwealth of Pennsylvania, :  
Intervenor :

DECLARATION OF CHARLES BABCOCK, P.E.

Charles Babcock, declares and says:

1. I am employed by C. C. Johnson & Malhotra, P.C., the successor to Sheladia Associates, Inc. within the Commonwealth of Pennsylvania, a total of 12 years (both firms combined).

2. I am familiar with the I-81 Interchange project and performed and/or supervised the completion of pre-final design activities for Alternative D-C and preliminary design of D-Modified. I have been involved with this project since Sheladia was retained by PennDOT for this project.

3. I have a B.S. Degree in Civil Engineering. I am a registered professional engineer in the Commonwealths of Pennsylvania and Virginia and the States of New Jersey, Maryland and New York. I am a member of the American Society of Highway Engineers and the American Society of Civil Engineers.

4. No final design was completed for any alternative before the ROD was issued. The majority of the work (pre-final design) completed was on Alternative D-C, an alternative that was not selected in the ROD. (AR-98 at 1152, 1194; AR-99 at 1413, 1429, 1535, 1627, 1645.)

5. For Alternative D-C, Sheladia completed: (1) preliminary cost estimates (AR-98 at 1194; AR-99 at 1413); (2) initial contact with utilities (AR-99 at 1429); (3) Safety Review submission and meeting (AR-99 at 1535-41); and the preliminary Traffic Control Plan (AR-99 at 1645-46). None of these activities are final design activities.

6. Cost estimates are done during preliminary design and are included in the environmental documents. The 15% contingency which is included on the estimate is an indicator that the estimate is a rough estimate. (AR-98 at 1194-95; AR-99 at 1413-16.)


7. Initial contact with utilities is done during preliminary design. Early coordination with utilities was necessary because there is an electric substation adjacent to the I-81 in the study area. (AR-46 at III-17.)

8. The Safety Review Committee reviews vertical profiles, horizontal alignment, typical sections, cost estimates, and preliminary traffic control plans to ensure that the alternative is safe. This project had a few design exceptions. Because of the presence of historic resources in the study area, it is reasonable to obtain the Committee's approval of the design exceptions prior to issuance of the ROD because if the Committee requires changes to the alternative based on safety considerations the historic or environmental impacts of the project may change.

9. The engineering of Alternative D Modified was developed to the same level of detail as the other alternatives presented in the EIS, so that traffic, environmental, and historic impacts of Alternative D Modified could be compared to the alternatives presented in the DEIS and FEIS in the 1999 Re-Evaluation to determine whether a Supplemental EIS was necessary.

(AR-80.) No pre-final design was completed for D Modified before the ROD was issued in March of 1999.

I declare under penalty of perjury and pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.  
Executed on this 9<sup>th</sup> day of September, 2002.

  
Charles G. Babcock, P.E.

*Curriculum Vitae of Charles G. Babcock*

**EDUCATION:**

Bachelor of Science of Civil Engineering  
Virginia Polytechnic Institute and State University, 1982

**REGISTRATION:**

Registered Professional Engineer since 1987  
Pennsylvania, Virginia, Maryland, New Jersey and New York

**EXPERIENCE:**

**1982-1987 – Maryland State Highway Administration, Bureau of Bridge Inspection and Remedial Engineering, Baltimore, Maryland**

Responsible for the inspection and rehabilitation of bridges throughout the State of Maryland. Reviewed the inspection reports for approximately 500 bridges; performed approximately 200 structural analyses and designed approximately 125 bridge rehabilitations.

**1987-1989 – Evans and Posthauer Engineers, Crofton, Maryland**

Responsible for the design of approximately 20 bridges of prestressed concrete and steel. Designed retaining walls and provided consultation for structures under construction for Maryland State Highway Administration.

Designed approximately 20 highway projects in Charles, Prince Georges and Anne Arundel Counties, Maryland

**1989 to Present – C.C. Johnson & Malhotra, P.C./Sheladia Associates, Inc., Camp Hill, Pennsylvania**

Vice President and Branch Manager for Multi-discipline engineering firm specializing in highway transportation. Project Manager or Engineer in responsible charge of the following projects:

- New Interchange on I-81 at Chambersburg, PA (Exit 7) in Franklin County, PA.
- Reconfiguration of the I-95 and Street Road (SR 95-D01) interchange in Bucks County, PA.
- Widening of I-83 for Union Deposit Road to Derry Street in Dauphin County, PA.
- Reconstruction of 13 miles of I-81 in Luzerne County including ramp reconfiguration of the Dorrance and New Angola interchanges.
- Widening of SR 219 in Cambria County, PA including five interchange ramp improvements and bridge replacements.
- Rehabilitation of four miles of SR 0063, Woodhaven Road in Philadelphia County, PA including improvements to three interchanges.
- Replacement of bridge on SR 3070 over AMTRAK in Chester County, PA.
- Replacement of bridge on SR 0452 over AMTRAK in Delaware County, PA.
- Widening of US Rte 1 between I-95 and MD Rte 100 in Howard County, Md.
- Widening of MD Rte 140 between MD Rte 27 and MD Rte 194 in Carroll County, MD.
- Design of new connector from I-64 and Busch Gardens Williamsburg, including interchanges at I-64 and US Rte 60 in Williamsburg, VA.